

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA
OMAHA DIVISION**

JOSE A. GOMEZ, et al.
on behalf of themselves and all other similarly
situated individuals,

Plaintiffs,

v.

TYSON FOODS, INC.

Defendant.

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Case No. 8:08-cv-0021-JFB-TDT

CLASS ACTION

satisfied to certify a class under either Rule 23(b)(1) or (b)(3). In support of this Motion, Plaintiffs incorporate the accompanying Memorandum of Law and Index of Exhibits.

WHEREFORE, pursuant to Rule 23 and upon consideration of their Motion and Memorandum of Law and Index of Exhibits, the Plaintiffs respectfully request that this Court grant their Motion For Rule 23 Class Certification.

Respectfully submitted,

/s/ Brian P. McCafferty

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Attorneys for Plaintiffs

DATED: June 21, 2010

CERTIFICATE OF SERVICE

I, Brian P. McCafferty, hereby certify that on June 21, 2010, I electronically filed the foregoing Plaintiffs' Motion For Rule 23 Class Certification with the Clerk of Court using the CM/ECF system which sent notification of such to the following counsel for Defendant Tyson:

Michael J. Mueller, Esq.
Evangeline Paschal, Esq.
Alison D. Balus, Esq.
Steven D. Davidson, Esq.

and I hereby certify that I have mailed by United States Postal Service, postage prepaid, this document to the following non CM/ECF participants:

None.

/s/ Brian P. McCafferty

Brian P. McCafferty

Dated: June 21, 2010